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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

R. LEVKOVITZ, et al.

Serial Number:

09/403,220

Filed:

December 20, 1999

For:

DIRECT TOMOGRAPHIC RECONSTRUCTION

Art Unit:

2623

Examiner:

Mehrdad DASTOURI

Honorable Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, VA 22313-1450

## SUMMARY OF SUBSTANCE OF INTERVIEW

Sir:

Further to an interview in the above referenced application, between Examiner Dastouri and the undersigned, on June 9, 2004, the following is a summary of the substance of the interview.

The present application is under final rejection. The final rejection was made by an Examiner who is no longer with the office. Mr. Dastouri is now the Examiner in charge of the examination.

At the interview, the undersigned discussed the reasons given in Applicant's last submission and why the final rejection did not present a true picture of the prior art as it applies to the present claims.

In particular, the prior art does not explicitly teach that individual events or unbinned events are used in the reconstruction. The previous Examiner's reliance on Hasagawa's ability to discern individual nuclear events is misplaced. In fact, Hasagawa utilizes a different metric that "individual events" namely, "photons per unit time." In order to utilize the metric "photons per unit time, it is necessary to collect the photons in groups (binning). Furthermore, the very concept of events per unit time is the antithesis of utilizing individual or unbinned events.

At the interview the undersigned suggested that applicants would consider replacing "radiation events" with "Nuclear events" in the claims, if this would result in allowance. The undersigned has discussed this change with the assignee of the patent application and applicants agree to the change, in order to avoid the expense of an appeal. This would result in amendments

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to claims 1, 10 22, 24, 25, 26, and canceling claims 27 and 28. Independent claims 31 and 33 already are limited to specific types of Nuclear events.

The Examiner is invited to call the undersigned to discuss this case, keeping in mind that the next deadline for filing an Appeal Brief is July 19, 2004.

Respectfully submitted, R. LEVKOVITZ, et al.

Paul Fenster Reg. No. 33,877

July 7, 2003 William H. Dippert, Esq. Reed Smith LLP 599 Lexington Avenue, 29<sup>th</sup> Floor New York, NY 10022-7650

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CERTIFICATE OF	TRANSMISSION BY FAC	SIMILE (37 CFR 1.8)	Docket No. 154/01214				
Applicant(s): R. LEVKOVITZ et al. 154/0121							
Application No. 09/403,220	Filing Date December 20, 1999	Examiner MEHRĎAD, Dastouri	Group Art Unit 2623				
Invention: DIRECT TO	OMOGRAPHIC RECONSTRUC	TION					
I hereby certify that this   Summary of Substance of Interview  (Identify type of correspondence)  is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (703) 872-9306							
on July 8,	2004						
	Note: Each paper must b	Paul FENSTER, Reg. N (Typed or Printed Name of Person Signature) (Signature)	No. 33,877 ening Certificate)				

	TRANSMIT (General - F	Docket No. 154/01214					
In Re Application Of: R. LEVKOVITZ et al.							
Application No. 09/403,220	Filing Date December 20, 1999	Examiner MEHRDAD, Dastouri	Customer No. 44909	Group Art Unit 2623	Confirmation No. 6991		
Title: DIRECT TOMOGRAPHIC RECONSTRUCTION							
COMMISSIONER FOR PATENTS:							
Transmitted herew Summary of Sub	vith is: bstance of Interview						
in the above identified application.  □ No additional fee is required. □ A check in the amount of is attached. □ The Director is hereby authorized to charge and credit Deposit Account No. □ Start Charge the amount of □ Charge the amount of □ Credit any overpayment. □ Charge any additional fee required.							
Paul Faul Faul Faul FENSTER, RA	Signature		Dated: July	7, 2004			
William H. Dippert Reed Smith LLP 599 Lexington Aver New York, NY 100 Tel: (212) 521-5400	enue, 29th Floor 022-7650		on first class mail u Commissioner fo 22313-1450.	with the under 37 C.F.R. 1.8 a	se is being deposited U.S. Postal Service as and is addressed to the table 1450, Alexandria, VA		
cc:				· · · · · · · · · · · · · · · · · · ·	ailing Correspondence		

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